

NOTICE OF INTENTION TO AMEND THE CONFLICT-OF-INTEREST CODE OF THE DEPARTMENT OF CHILD SUPPORT SERVICES

NOTICE IS HEREBY GIVEN that the Department of Child Support Services (hereafter referred to as "Department"), pursuant to the authority vested in it by section 87306 of the Government Code, proposes amendments to its Conflict of Interest Code. The purpose of these amendments is to implement the requirements of sections 87300 through 87302, and section 87306 of the Government Code.

The Department proposes to amend its Conflict of Interest Code to include additional employee positions that involve the making or participation in the making of decisions that may foreseeably have a material effect on any financial interest, as set forth in subdivision (a) of section 87302 of the Government Code.

These amendments make grammatical changes, add newly created positions to the Department's Code, reflect the new focus on regulatory activities of the third reporting category and the impact of these changes on disclosure category assignments. Copies of the amended code are available and may be requested from the Contact Person set forth below. The text of the amended code is available for inspection and copying at the Department and at the California Fair Political Practices Commission.

Any interested person may submit written statements, arguments, or comments relating to the proposed amendments by submitting them in writing no later than August 12, 2003 to the Contact Person set forth below.

At this time, no public hearing has been scheduled concerning the proposed amendments. If any interested person or the person's representative requests a public hearing, she or he must do so no later than July 29, 2003, by contacting the Contact Person set forth below.

The Department has prepared a written explanation of the reasons for the proposed amendments and has available the information on which the amendments are based. Copies of the proposed amendments, written explanation of the reasons, and the information on which the amendments are based may be obtained by contacting the Contact person set forth below.

The Department has determined that the proposed amendments:

1. Impose no mandate on local agencies or school districts.
2. Impose no costs or savings on any state agency.
3. Impose no costs on any local agency or school district that are required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.
4. Will not result in any nondiscretionary costs or savings to local agencies.
5. Will not result in any costs or savings in federal funding to the state.
6. Will not have any potential cost impact on private persons, businesses or small businesses.

In making these proposed amendments, the Department must determine that no alternative considered by the agency would be more effective in carrying out the purpose for which the amendments are proposed or would be as effective and less burdensome to affected persons than the proposed amendments.

All inquiries concerning this proposed amendment and any communication required by this notice shall be directed to:

Lucila Ledesma, Regulations Coordinator
Dept. of Child Support Services
P.O. Box 419064, MS-70
Rancho Cordova, CA 95741-9064
Phone: 916-464-5087
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Email: lucila.ledesma@dcss.ca.gov

Title 22. Social Security

Division 13. Department of Child Support Services

Chapter 13. Conflict of Interest Code

§123000. California Department of Child Support Services Conflict of Interest Code.

The Political Reform Act, {Government Code Section 81000, et seq.,} requires each state and local government agencyies to adopt and promulgate a conflict of interest codes. The Fair Political Practices Commission has adopted a regulation, {2 California Code of Regulations, Section 18730,} which contains the terms of a standard conflict of interest code, ~~which~~ It can be incorporated by reference in ~~an agency's code. After public notice and hearing it~~ and may be amended by the Fair Political Practices Commission after public notice and hearings to conform to amendments in the Political Reform Act. Therefore, the terms of ~~Title 2,~~ California Code of Regulations, Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. ~~This regulation and, along with the attached Appendices, in which officials and employees are designated~~ ing officials and employees and establishing disclosure categories are set forth, and the place of filing is specified, shall constitute the conflict of interest code of the California Department of Child Support Services.

Designated employees shall file statements of economic interests with the California Department of Child Support Services who. ~~The Department~~ shall make the statements available for public inspection and reproduction ~~(Gov. Code Section 81008)~~. Upon receipt of the statement of the Director, the California Department of Child Support Services shall make and retain a copy of the statement and send forward the original to

the Fair Political Practices Commission. Statements for all other designated employees will be retained by the Department.

Designated Positions Appendix

Designated Positions of the Department of <u>Child Support Services:</u>	Assigned Disclosure Categories:
Director, California Department of Child Support Services	1
Chief Deputy Director, California Department of Child Support Services	1
All Deputy Directors	1
All Assistant Deputy Directors	1
<u>All Assistant Directors</u>	<u>1</u>
<u>CCSAS Project Leader</u>	<u>1</u>
<u>All CCSAS Contractors</u>	<u>1</u>
<u>All Consultants*</u>	<u>1</u>
<u>Public Information Officer</u>	<u>1</u>
<u>Information Security Officer</u>	<u>1</u>
Chief Counsel, Office of Legal Services	1
All Regional Administrators	4
All Staff Counsels, all levels	1
<u>Customer and Community Services Branch Chief</u>	<u>1</u>
<u>Data and Performance Analysis Branch Chief</u>	<u>1</u>
<u>Policy Branch Chief</u>	<u>1</u>
<u>Quality Assurance Branch Chief</u>	<u>1</u>
<u>All Regional Administrators</u>	<u>1</u>
All Consultants*	4

<u>Financial Planning Section Chief / Budget Officer</u>	<u>1</u>
<u>Financial Integrity and Audit Coordination Supervisor</u>	<u>1</u>
<u>CCSAS Project Management Officer</u>	<u>1</u>
<u>CCSAS Statewide Projects Work Group</u>	<u>1</u>
<u>All Technology Services Division Branch Chiefs</u>	<u>1</u>
All Technology Services Division Section Chiefs	2
All Technology Services Division Unit Chiefs	2
All Technology Services Division staff participating in vendor selection/evaluation	2
Financial Planning Section Chief	3
Human Services Section Chief	23
<u>FPPC Filing Officer</u>	<u>1</u>
Business Services Section Chief	23
All Purchasing Agents	23
<u>(This category includes all Cal Card holders.)</u>	
All Negotiators of Space Planning, Acquisition and Communications	23
All Contract Analysts	23
All Negotiators of Contracts for goods and services.	23
(If involved as a state employee, at other than a clerical level, in the functions of negotiating or signing any contract awarded through competitive bidding, in making decisions in conjunction with the competitive bidding process, or in negotiating, signing or making decisions on contracts executed pursuant to Section 10122 of the Public Contract Code.)	
<u>Case Management Policy Section Chief</u>	<u>3</u>
<u>Financial Management Policy and Training Section Chief</u>	<u>3</u>

<u>Statewide Automation Consulting Section Staff</u>	<u>3</u>
<u>All Policy Division Unit Chiefs</u>	<u>3</u>

~~Note: Supervisors and managers, if not separately identified, shall report in the same category as person supervised.~~

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- * With respect to consultants, the Director may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that is limited in scope and thus is not required to comply with the disclosure requirements described in this section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The Director's determination is a public record and shall be retained for public inspection in the same manner and location as this conflict of interest code.

Disclosure Categories Appendix

CATEGORY 1

Designated employees assigned to this category must report:

All ~~investments~~, interests in real property in the State of California, as well as investments, sources of income, and business positions and sources of income, including gifts, loans and travel payments ~~such as director, officer, partner, trustee, employee or holder of a management position in any business entity or nonprofit corporation.~~

CATEGORY 2

Designated employees assigned to this category must report:

All ~~investments~~, and business positions in ~~business entities~~, and ~~sources of income~~, including gifts, loans and travel payments, from sources that provide leased facilities, goods, equipment, vehicles, machinery or services, including training or consulting services, individuals and/or entities which are of a type utilized by that contract with ~~or seek to contract with or sell, rent or lease data processing equipment, hardware, software, facilities, supplies or services to the Department of Child Support Services.~~

CATEGORY 3

Designated employees assigned to this category must report:

All ~~investments~~, and business positions in ~~business entities~~, and ~~sources of income~~, including gifts, loans and travel payments, from sources that are subject to the regulatory authority of individuals and/or entities which are of a type that contract with or seek to contract with the Department of Child Support Services for goods and services or that provide supplies, equipment, communication services, materials, or services of the types used by the Department of Child Support Services.

Note: Authority cited: Section 87300, Government Code.

Reference: Sections 87300-87302, and 87306, Government Code.

Department of Child Support Services

R-29-03

Conflict-of-Interest Code Amendment Rulemaking

The Department of Child Support Services (DCSS) is amending its conflict of interest code to bring it current with the existing organizational structure of the agency and conform it to the Fair Political Practices Commission's (FPPC) model conflict of interest code. The specific amendments and related explanations are as follows:

Section 123000 Grammatical Revisions

DCSS has made numerous nonsubstantive grammatical changes to the language of Section 123000 to conform to the FPPC model conflict of interest code. This conformity is to avail DCSS of the FPPC's expertise in identifying appropriate matters for disclosure and thereby avoid staff conflicts of interest.

Disclosure Category Appendix Revisions

Disclosure Category 1 has been revised to conform to the FPPC model. Revision includes nonsubstantive grammatical restructuring and the substantive addition of gifts, loans and travel payments as reportable interests. These additional types of reportable interests are being incorporated to conform to the FPPC model for conflict of interest disclosures to the greatest extent applicable. This conformity is to avail DCSS of the FPPC's expertise in identifying appropriate matters for disclosure and thereby prevent staff conflicts of interest.

Disclosure Category 2 has also been revised to conform to the FPPC model. Revision includes modifying the description of product and service sources to a broader more inclusive listing than previously identified, some nonsubstantive grammatical restructuring and the substantive addition of gifts, loans and travel payments as reportable interests. These revisions are being made to conform to the FPPC model for conflict of interest disclosures to the greatest extent applicable. This conformity is to avail DCSS of the FPPC's expertise in identifying appropriate matters for disclosure and thereby prevent staff conflicts of interest.

Disclosure Category 3 has also been revised to conform to the FPPC model. Disclosure items formerly in this category have been subsumed into the revised Category 2 above. Revision reflects an entirely new focus for this category. The category is now focused on disclosure of any interests in the entities potentially regulated by the DCSS. Revision also includes the substantive addition of gifts, loans

and travel payments as reportable interests. This new focus is being incorporated to conform to the FPPC model for conflict of interest disclosures to the greatest extent applicable for our circumstances. This conformity is to avail ourselves of the FPPC's expertise in identifying appropriate matters for disclosure and thereby prevent staff conflicts of interest.

Designated Positions Appendix Revisions

Some nonsubstantive language clean-up and rearrangement was done to enhance clarity. This impacted the following previously listed positions:

1. Director
2. Chief Deputy Director
3. All Consultants
4. All Regional Administrators
5. Financial Planning Section Chief

The following new or renamed positions having substantial potential for conflicts of interest were added or deleted to update the conflict of interest reporting requirements to reflect changes in the DCSS organizational structure and/or a new additional focus on the potential for conflicts of interest to involve regulatory staff as described in revised disclosure category 3:

1. All Assistant Directors
2. CCSAS Project Leader
3. All CCSAS Contractors
4. Public Information Officer
5. Information Security Officer
6. Customer and Community Services Branch Chief
7. Data and Performance Analysis Branch Chief
8. Policy Branch Chief
9. Quality Assurance Branch Chief
10. Financial Integrity and Audit Coordination Supervisor
11. CCSAS Project Management Officer
12. CCSAS Statewide Projects Work Group
13. All Technology Services Division Branch Chiefs
14. All Technology Division Unit Chiefs (Deleted because there aren't any.)
15. FPPC Filing Officer
16. Case Management Policy Section Chief
17. Financial Management Policy and Training Section Chief
18. Statewide Automation Consulting Section Staff
19. All Policy Division Unit Chiefs

Additional changes to the designated positions appendix include:

1. Addition of the notation below "All Purchasing Agents" to include all Cal Card holders. This change reflects the potential for conflicts of interest in selection of vendors from which to make Cal Card purchases.

2. Deletion of the note regarding supervisors reporting at the same disclosure level as person supervised. This was deemed confusing.

Documents Relied Upon

Fair Political Practices Model Conflict of Interest Code and Disclosure Categories.